

# **ANNUAL STATUS REPORT**



The Kentucky Commission on Services and Supports for  
Individuals with Intellectual and Other  
Developmental Disabilities

Submitted in Accordance with KRS 210.577 to:

Governor Matt Bevin  
and the General Assembly  
October 2019

# **KENTUCKY COMMISSION ON SERVICES AND SUPPORTS FOR INDIVIDUALS WITH INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITIES**

## **Fiscal Year 2019**

### **INTRODUCTION**

In accordance with KRS 210.577(3), the Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities respectfully submits the following report for the period of July 1, 2018 through June 30, 2019. The Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities was created and established by KRS 210.575 through the enactment of House Bill 144 by the 2000 General Assembly. This commission, hereafter referred to as the HB 144 Commission or the commission, serves in an advisory capacity to the Governor and the General Assembly concerning the service system that affects the lives of people with intellectual and other developmental disabilities (I/DD).

### **MEMBERSHIP**

The commission's membership in 2019 included 24 individuals representing an array of stakeholders. Nine of these positions are appointed by the Governor to serve four-year terms and include representation of family members, provider organizations, advocacy groups, and self-advocates. Four members of the General Assembly are appointed and the remaining 11 members are stipulated in KRS 210.575 and include representation from the Secretary of the Cabinet for Health and Family Services (CHFS), departments within CHFS, the University Center of Excellence in Disabilities at the University of Kentucky, and the Commonwealth Council on Developmental Disabilities.

In September 2017, Mr. Michael Smith, self-advocate, resigned his position. A packet containing information of eligible applicants was delivered to the Office of Boards and Commissions for review and appointment of a self-advocate. On November 13, 2018, Mr. Darrel Wayne Tipton was appointed to serve the remainder of the unexpired term of Mr. Smith's term.

During the 2019 reporting period, recruitment began to represent family members, self-advocates, direct service providers, and business leaders to replace members whose terms expire July 15, 2019. Eligible applicants were submitted to the Office of Boards and Commissions for review and appointment. As of June 30, 2019, appointments had not been named. Members whose terms expire July 15, 2019 will continue to serve on the commission until new appointments are announced.

During the 2019 reporting period, two family members submitted resignations. In February 2019, Ms. Virginia (Jini) Payne resigned from the commission. Recruitment for a family member of an individual with I/DD residing in the home of the family member or in a community-based setting was conducted. Eligible applicants were submitted to the Office of

Boards and Commissions for review and appointment. As of June 30, 2019, a replacement had not been appointed.

In May 2019, Ms. Belinda Bazzell resigned from the commission. Recruitment efforts are in process to seek eligible applicants to fulfill Ms. Bazzell's unexpired term. Ms. Bazzell represented family members with an individual I/DD residing in an institutional residential facility that provides service to individuals with I/DD.

On May 13, 2019 David W. Osborne, Speaker of the House, named two Representatives to serve on the commission. The representatives replaced Representative Larry Brown and Representative Joni Jenkins.

The list of commission members and their term expirations as of June 30, 2019, are included in Appendix A of this report.

## **STRATEGIC PLANNING**

Prior to the June 2018 quarterly meeting, the commission held a special session to identify strategic goal areas to drive the commission's efforts in the upcoming five fiscal years (FY 2019 – FY 2023). Dr. Vestena (Tena) Robbins, Policy Advisor within DBHDID's Commissioner's Office, facilitated the special planning session.

Recommended structural changes were presented to the commission for consideration at the September 2018 quarterly meeting based on identified areas of need. The Commission approved the recommendation to organize the committee structure as such:

1. Community Education/Outreach Committee will be responsible for the topical areas of resources and self-advocacy.
2. Employment Committee will collaborate with the KentuckyWorks Project, the Employment First Council, and other similar initiatives to advance Kentucky as an Employment First state, including a review of transportation needs.
3. Health/Wellness Committee will be responsible for the following topics: psychotropic medication usage, inclusion of individuals with complex medical needs, increased capacity of specialty clinics, and crisis intervention.

Committee organizational meetings were held prior to the December 2018 quarterly meeting. Each committee appointed a chair and co-chair, determined 5-year goals, and identified additional stakeholders to serve on the committees.

## **FY 2019 GOALS, RECOMMENDATIONS, UPDATES**

During the 2<sup>nd</sup> quarter of FY 2019, the committees met and planned for the 5-year goals. The committees also identified short-term objectives for a portion or all of the respective committee's goals. Goals were presented at the December quarterly commission meeting. Each committee has focused efforts on one or more of the identified goals and objectives. Following is each goal, short-term objectives (as applicable) and summary of each committee's efforts related to the identified goal(s).

## **EMPLOYMENT COMMITTEE**

The Employment Committee is tasked to collaborate with the KentuckyWorks Project, the Employment First Council, and other similar initiatives to advance Kentucky as an Employment First state. The committee established the following goal and short-term objectives:

**GOAL:**        **Shape and influence policies on employment to increase social, civic, and economic contributions of people with intellectual and other developmental disabilities.**

**Objective 1:** To facilitate the development of a comprehensive Memorandum of Understanding to promote the integration of Employment First policies cross state government.

**Objective 2:** To directly influence Medicaid's restructuring of employment services and payment methodology in the redesign of 1915c waivers.

**Objective 3:** To engage with the transportation planning process to ensure needs of people with I/DD receive proper consideration.

### **Committee Chair/Co-Chair Report**

The purpose of the Employment Committee is to continue to improve collaboration between the KentuckyWorks Partnerships in Employment Project, Kentucky's Employment First Council, Kentucky Department for Medicaid Services and other employment initiatives to advance Kentucky as an Employment First state. During initial planning, the Committee discussed the purpose and current issues affecting employment for persons with disabilities and developed an overarching goal to "Shape and influence policies on, or impacting, employment to increase the social, civic, and economic contributions of people with I/DD." Through discussion, the members recognized the areas to focus on that would improve employment options. Those areas were collaboration among agencies, Medicaid Waiver restructuring, and transportation.

The Employment Committee held three meetings during the fiscal year:

- November 1, 2018
- January 22, 2019
- April 23, 2019

During each meeting, committee members reviewed the goals and objectives, along with concurrent initiatives with similar goals and objectives. Several committee members are engaged in other work committees and groups dedicated to the objectives. Cross-over engagement includes the Kentucky Employment First Council, KentuckyWorks Partnerships in Employment project, Medicaid Waiver Rate Methodology work group, Kentucky Works Collaborative and the Transportation project being developed through the Human Development Institute at the University of Kentucky.

The committee reviewed a matrix of all employment initiatives in the state that identified organizations involved and work being completed. The committee recognized the intersecting work of many groups on employment. Additional stakeholders were invited to present and attend future meetings following presentations on transportation and Employment First policy.

The committee explored the current work on a comprehensive Memorandum of Understanding (MOU) between state agencies. A current MOU exists between the Office of Vocational

Rehabilitation (OVR) and the Department for Behavioral Health, Developmental and Intellectual Disabilities (BHDID). While this work is being completed between those state cabinet agencies, the committee opted to draft a Proclamation of Collaboration that would include not just state agencies but all invested stakeholders. A draft of this Proclamation is under development for future discussion by the committee.

Medicaid Waiver restructuring is an ongoing process. Committee members provided individual comments during public comment period. The committee recognized additional recommendations may be made via the HB 144 Commission. The committee is developing final recommendations for this purpose. The Chair and Co-Chair met with Department for Medicaid Services representatives to share employment ideas and orient the agency on the availability of the committee for assistance when needed. Members of the committee report on waiver rate restructuring and have made recommendations concerning employment services.

Transportation has been identified as a barrier for people obtaining employment. The committee is provided updates on transportation projects at each meeting. Representatives from the Transportation Cabinet and the Department for Medicaid Services' Non-Emergency Medical Transportation program are members of the committee.

Additional barriers have been identified as information has been shared on all the employment initiatives in the state. Additional issues have been discussed including developing common language on Employment First policy, engaging all employment groups across state agencies, maintaining a presence on the Employment First Council, Medicaid waiver service definitions that affect employment as an option, benefit analysis and myths concerning employment, and alternative transportation options. The committee is drafting final recommendations for presentation to the full commission.

### **COMMUNITY EDUCATION / OUTREACH COMMITTEE (CEOC)**

The CEOC was given the responsibility for topical areas of resources and self-advocacy. The Committee established the following goals and short-term objectives:

**GOAL: Identify currently available resources, barriers to accessing resources, and gaps in resources.**

**GOAL: Develop one (1) self-advocacy group across each of the fifteen (15) Area Development Districts.**

**GOAL: Explore community inclusion efforts across the lifespan to identify promising practices.**

**Objective 1:** Define community inclusion.

**Objective 2:** Identify community inclusion best practices.

### **Committee Chair/Co-Chair Report**

The CEOC had five meetings during FY 2019. Meetings included presentations from First Steps and the Peer Network/Peer Support Arrangement Program representatives to assist the committee with identifying currently available resources, barriers to accessing resources, and

gaps in resources. The main gaps identified to date are 1) childcare agencies communicating with First Steps and 2) transition from high school to post-secondary life. Additional issues uncovered include 1) the need for continued funding of First Steps services for children with summer birthdays; 2) difficulty in locating physical therapy providers for pediatrics; and 3) the possibility of Home and Community-Based Medicaid Waiver case management providers being able to assist with social work services as defined in the First Steps program.

The committee has reviewed other state websites and is compiling suggestions for improvement of Kentucky's Division of Developmental and Intellectual Disabilities website. It is the aim of the committee chair and co-chair to meet with DDID leadership to present suggestions and begin discussions of accessibility of resources. In addition to websites, the committee is working with the University of Kentucky's Human Development Institute (UKHDI) representative on promotion of UKHDI's "Kentucky Disability Resource Guide" through avenues such as the Medicaid Waiver Management Application (MWMA) and Benefind.

Using the Self-Empowerment Network model from the Lexington Arc, the committee members began initiatives to start similar groups throughout the state. Currently there are seven active groups located in Louisville, Lexington, Owensboro, Bowling Green, Ashland, Richmond, and Northern Kentucky. Committee members Steve Shannon from the Kentucky Association of Regional Providers (KARP), Sherri Brothers, an Arc of Kentucky board member, and a self-advocate from the Lexington Arc will initially train the groups. Ongoing training will occur each year at the Arc of Kentucky Conference. Committee members continue to work on establishing additional self-advocacy groups.

Finally, the committee reviewed the definitions of community inclusion and have drafted a definition to be used for identifying community inclusion best practices.

### **HEALTH/WELLNESS COMMITTEE**

The Health/Wellness Committee was given the following topics identified during the commission's planning session: psychotropic medication usage, inclusion of individuals with complex medical needs, increased capacity of specialty clinics, and crisis intervention. The committee held five meetings during FY 2019 and developed the following goal and objectives.

**GOAL:** **Maximize good health and reduce health disparities for people with intellectual and other developmental disabilities (I/DD).**

**Objective 1:** Continue collaboration with the Division of Developmental and Intellectual Disabilities to access and evaluate all available data sources that lead to recommendations for the reduction of polypharmacy, and the development and implementation of appropriate training for provider agencies and health care providers.

**Objective 2:** Assess available data to identify the current parameters and barriers of crisis intervention services and propose policy level changes to increase availability of outcome driven services and decrease barriers and disparities.

**Objective 3:** Research and recommend a definition of "medically complex" that is inclusive of people dually diagnosed with I/DD and mental/behavioral health conditions and propose outcome-driven policy amendments that decrease barriers to all available services.

**Objective 4:** Reduce existing health disparities for people with I/DD utilizing data from a variety of sources to promote an increase in the number of people following physical activity guidelines, increase the collaboration among community organizations and service providers that leverage existing local health and wellness programs, and improve the overall health and well-being of people with I/DD and their direct support staff.

#### **Committee Chair/Co-Chair Report**

The Health Wellness committee invited stakeholders that included family members of people with I/DD (that include medically complex conditions) living in residential programs, provider representatives from the Supports for Community Living (SCL) Medicaid waiver program, the project coordinator of the Health/Wellness Initiative at the University of Kentucky's Human Development Institute, and a representative from the Lee Specialty Clinic. After much discussion and review of information supplied by committee members and DBHDID personnel, the committee proposed 15 recommendations for the Commission's consideration at the June 2019 quarterly commission meeting. The Commission lacked a quorum to conduct business. Therefore, the recommendations are pending review and further discussion until the next commission meeting that meets quorum requirements to conduct business.

### **STATISTICAL INFORMATION**

Following is the status of programs providing supports to individuals with I/DD through FY 2019.

#### **Community Mental Health Center (CMHC) Service Provision 2019**

- Based upon data reported by the CMHCs, 9,695 people with I/DD were supported by the 14 CMHCs in FY 2019.
- CMHC adult I/DD crisis services were utilized by 996 individuals during the calendar year 2018.

#### **ICF Average Census FY 2009 through FY 2019**

The number of people who reside in state intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) has decreased significantly following a 2006 settlement agreement between the Department of Justice and the Commonwealth of Kentucky in regards to the operation of the Oakwood ICF/IID. Pursuant to this settlement, a statewide transition process was implemented at all ICFs/IID to successfully transition individuals into the community.

<b>Facility</b>	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
Oakwood	173	133	120	121	119	114	111	106	105	112
Hazelwood*	161	158	146	135	123	116	105	104	96	65
Bingham Gardens	32	28	24	23	21	21	24	24	21	24
Outwood	59	50	46	42	40	38	36	35	34	31

Facility	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Total	425	369	336	321	303	289	276	269	256	232

\*Hazelwood Center census includes the three 8-bed ICF community homes.

As part of the settlement agreement with the US Department of Justice, each of the state-owned ICFs/IID continues transformation into a Center of Excellence. There are three medical specialty clinics in Kentucky. One is located on the campus of Oakwood, one on the campus of Hazelwood, and one on the campus of Bingham Gardens. These centers serve as a resource to individuals, families, and community providers by offering specialized supports and services that otherwise are not accessible in the community.

### **Waiver Slots Funded FY 2015 through FY 2020**

#### **New Slots Funded**

Waiver	FY15	FY16	FY17	FY18	FY19	FY20
Supports for Community Living (SCL) new slots	200	240	0	0	0	0
Michelle P (MP) new slots	250	250	0	0	0	0
Acquired Brain Injury (ABI) new slots	90	93	0	0	0	0
Acquired Brain Injury Long Term Care (ABI-LTC) new slots	60	60	0	0	0	118
Home and Community Based (HCB) new slots	0	0	0	0	0	0

#### **Total Waiver Slots**

Waiver	FY15	FY16	FY17	FY18	FY19	FY20
Supports for Community Living (SCL) total slots	4,701	4,701*	4,941	4,941	4,941	4,941
Michelle P (MP) total slots	10,250	10,500	10,500	10,500	10,500	10,500
Acquired Brain Injury (ABI) total slots	200**	383	383	383	383	383
Acquired Brain Injury Long Term Care (ABI-LTC) total slots	200**	320	320	320	320	438
Home and Community Based (HCB)	17,050	17,050	17,050	17,050	17,050	17,050

\*240 slots were appropriated by the legislature for FY16; however, CMS approval of the SCL waiver renewal did not occur until March 2018, therefore they were not available until then.

\*\*Although additional slots were appropriated by the legislature for FY15, the slots were added to the waiver during FY16

## **CLOSING THOUGHTS**

It has been a privilege for the Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities (I/DD) to serve in an advisory capacity to the Governor and the General Assembly regarding the needs of persons with I/DD. Commission members extend their gratitude to Governor Bevin for his support of the Employment First Initiative. We also extend our appreciation to the members of the General Assembly for their continued support of quality services across the lifespan for individuals with I/DD. Along with



the Department for Behavior Health, Developmental, and Intellectual Disabilities, the commission looks forward to meeting its goals to improve the quality of supports for the citizens of Kentucky.

The Cabinet for Health and Family Services and the Department for Behavioral Health, Developmental and Intellectual Disabilities extends its appreciation to the members of the commission for their advocacy on behalf of Kentucky's citizens with I/DD. Their continued advocacy has positively produced change in such efforts as the Work Matters Task Force, community inclusion, and improving the health and wellness of people with disabilities across the lifespan.

## APPENDIX A – Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities

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